

EXHIBIT INDEX

United States v. Rufino Peralta-Sanchez
14-CR-1308-LAB

DOCUMENT

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EXHIBIT A

U.S. Department of Justice
 Immigration and Naturalization Service

Notice to Appear

In removal proceedings under section 240 of the Immigration and Naturalization Act

File No: A92 688 996

In the Matter of:

Respondent: PERALTA-Sanchez, Rufino

currently residing at:

CALIFORNIA DEPARTMENT OF CORRECTIONS

(Number, street, city, state and ZIP code)

(Area code and phone number)

- ☐ You are an arriving alien.
- ☐ You are an alien present in the United States who has not been admitted or paroled.
- ☒ You have been admitted to the United States, but are deportable for the reasons states below.

The Service alleges that you:

PLEASE SEE ATTACHED CONTINUATION SHEET FOR ALLEGATIONS

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

PLEASE SEE ATTACHED CONTINUATION SHEET FOR CHARGES

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8 CFR 208.30(f)(2) ☐ 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice

TO BE SET

(Complete Address of Immigration Court, Including Room Number, if any)

on _____ at _____ to show why you should not be removed from the United States based on the
 (Date) (Time)
 charge(s) set forth above.

Date:

4-14-99

MICHAEL J. TOMS

Deputy IHP Director

(Signature and Title of Issuing Officer)

BAKERSFIELD, CALIFORNIA

(City and State)

See reverse for important information

U.S. Department of Justice
Immigration and Naturalization Service

Continuation Sheet for Notice to Appear

Respondent: X PERALTA-Sanchez, RufinoFile No: A 92 688 996

Allegations continued:

1. You are not a citizen or national of the United States.
2. You are a native of Mexico and a citizen of Mexico
3. You entered the United States at or near Calexico, California on or about Unknown date in 1979.
4. You were not then admitted, paroled or inspected by an Immigration Officer.
5. You were admitted to the United States at San Francisco, California on December 1, 1990 as a Lawful Permanent Resident.
6. You were, on February 5, 1996, convicted in the Superior Court of California, in and for the County of Modesto, for the offense of DUI w/ Priors, in violation of Section 23152a/ 23175 of the California Vehicle Code.
7. For that offense, you were sentenced to confinement for a period of 16 months.

Charges continued:

Section 237(a)(2)(A)(iii) of the of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted of an aggravated felony as defined in section 101(a)(43) of the Act.

Signature

[Handwritten Signature]

Title

Deputy IHP Director

FORM I-831 (Rev 4-1-97)N

_____ of _____ Pages

4-14-99

APR 07 1999
MAY 05 1999
[Handwritten initials]

EXHIBIT B

IMMIGRATION COURT
1705 E. HANNA RD.
ELY, AZ 85231

In the Matter of

PERALTA-SANCHEZ, RUFINO
Respondent

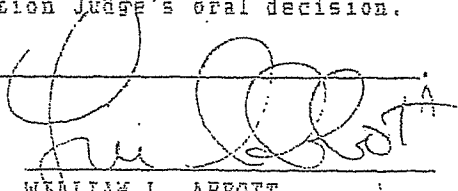
Case No.: A92-688-996

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Jun 7, 1999.
This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- ☒ The respondent was ordered removed from the United States to MEXICO
or in the alternative to
- ☐ Respondent's application for voluntary departure was denied and respondent was ordered removed to alternative to
- ☐ Respondent's application for voluntary departure was granted until upon posting a bond in the amount of \$ _____ with an alternate order of removal to
- ☐ Respondent's application for asylum was () granted () denied () withdrawn.
- ☐ Respondent's application for withholding of removal was () granted () denied () withdrawn.
- ☐ Respondent's application for cancellation of removal under section 240A(a) was () granted () denied () withdrawn.
- ☐ Respondent's application for cancellation of removal was () granted under section 240A(b)(1) () granted under section 240A(b)(2) () denied () withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- ☐ Respondent's application for a waiver under section _____ of the IWA was () granted () denied () withdrawn or () other.
- ☐ Respondent's application for adjustment of status under section _____ of the IWA was () granted () denied () withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- ☐ Respondent's status was rescinded under section 246.
- ☐ Respondent is admitted to the United States as a _____ until _____.
- ☐ As a condition of admission, respondent is to post a \$ _____ bond.
- ☐ Respondent knowingly filed a frivolous asylum application after proper notice.
- ☐ Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- ☐ Proceedings were terminated.
- ☐ Other: _____
- Date: Jun 7, 1999
Appeal: WAIVED Appeal Due By: _____


WILLIAM L. ABBOTT
Immigration Judge

SAC

EXHIBIT C

PROBABLE CAUSE STATEMENT

I, Border Patrol Agent Timothy D. Hinman declare under penalty of Perjury, the following is true and correct:

The complainant states this complaint is based upon the investigative report of Border Patrol Agent (BPA) J. Heras that defendant Rufino PERALTA-Sanchez (PERALTA), was found in the United States and arrested on May 25, 2012, near Calexico, California.

At approximately 11:00 p.m., BPA C. Whittemore encountered PERALTA, in the United States, approximately 11 miles west of the Calexico, California West Port of Entry. BPA C. Whittemore identified himself as a BPA and questioned PERALTA as to his citizenship. BPA C. Whittemore ascertained PERALTA to be a citizen of Mexico without the proper documentation to remain, work, or reside in the United States legally. BPA C. Whittemore placed PERALTA under arrest.

Records checks revealed PERALTA was ordered removed, and was removed by an Immigration Judge, from the United States to Mexico on June 07, 1999.

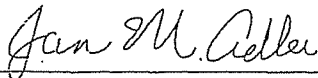
There is no evidence shown PERALTA has applied for and sought or received permission from the United States Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States after being previously removed.

Executed on May 26, 2012 at 11:00 a.m.



Timothy D. Hinman
Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on May 25, 2012 in violation of Title 8, United States Code 1326.



Hon. Jan M. Adler
United States Magistrate Judge

11:01 AM, May 26, 2012

Date/Time

EXHIBIT D

U.S. Department of Homeland Security

Notice of Intent/Decision to Reinstate Prior Order

File No. A092 688 996

Event No. [REDACTED]

FINS # [REDACTED] Date: May 26, 2012

Name: RUFINO PERALTA-SANCHEZ

In accordance with section 241(a)(5) of the Immigration and Nationality Act (Act) and 8 CFR 24 1.8, you are hereby notified that the Secretary of Homeland Security intends to reinstate the order of REMOVAL entered against you. This intent is based on the following determinations:

(Deportation / exclusion / removal)

1. You are an alien subject to a prior order of deportation / exclusion / removal entered on June 07, 1999 at ELOY, ARIZONA

(Date) (Location)

2. You have been identified as an alien who:

☒ was removed on May 23, 2012 pursuant to an order of deportation / exclusion / removal.

(Date)

☐ departed voluntarily on _____ pursuant to an order of deportation / exclusion / removal on or after the date on which such order took effect (i.e., who self-deported).

(Date)

3. You illegally reentered the United States on or about May 25, 2012 at or near CALEXICO, CALIFORNIA

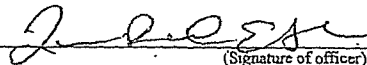
(Date) (Location)

In accordance with Section 241(a)(5) of the Act, you are removable as an alien who has illegally reentered the United States after having been previously removed or departed voluntarily while under an order of exclusion, deportation or removal and are therefore subject to removal by reinstatement of the prior order. You may contest this determination by making a written or oral statement to an immigration officer. You do not have a right to a hearing before an immigration judge.

The facts that formed the basis of this determination, and the existence of a right to make a written or oral statement contesting this determination, were communicated to the alien in the SPANISH language.

JUAN RAUL HERAS

(Printed or typed name of official)



(Signature of officer)

Border Patrol Agent

(Title of officer)

Acknowledgment and Response

I ☐ do ☒ do not wish to make a statement contesting this determination.

5/26/12

(Date)

RUFINO P SANCHEZ

(Signature of Alien)

Decision, Order, and Officer's Certification

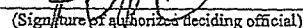
Having reviewed all available evidence, the administrative file and any statements made or submitted in rebuttal, I have determined that the above-named alien is subject to removal through reinstatement of the prior order, in accordance with section 241(a)(5) of the Act.

May 26, 2012

(Date)

IMPERIAL, CALIFORNIA

(Location)



(Signature of authorized deciding official)

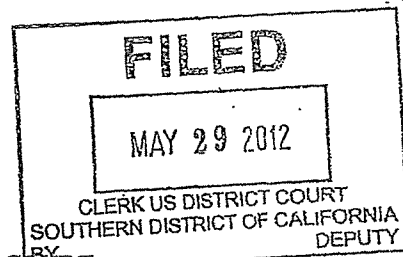
KEVIN C. GELLER

(Printed or typed name of official)

PATROL AGENT IN CHARGE (ACTING)

(Title)

EXHIBIT E



UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. **'12MJ8569**
)
 Plaintiff,) COMPLAINT FOR VIOLATION OF
 v.) Title 8, U.S.C., Section 1326
 Rufino PERALTA-Sanchez,) Deported Alien Found In the United
) States
 Defendant.)
)
)

The undersigned complainant being duly sworn states:

On or about May 25, 2012, within the Southern District of California, defendant, Rufino PERALTA-Sanchez, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Section 202(3) and (4), and (557)), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states this complaint is based on the attached Probable Cause Statement, which is incorporated herein by reference.

TIMOTHY D. HINMAN
 BORDER PATROL AGENT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, 29th DAY OF MAY 2012.

PETER C. LEWIS

HON. PETER C. LEWIS
 U.S. MAGISTRATE JUDGE

EXHIBIT F

AO 245B (Rev. 12/11) Judgment in a Criminal Petty Case
Sheet 1

UNITED STATES DISTRICT COURT 12 JUL 18 AM 11:52
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

RUFINO PERALTA-SANCHEZ (1)

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987) DEPUTY
BY: *[Signature]*

Case Number: 12CR2552-WVG

Steven Brody of Federal Defenders Inc.

Defendant's Attorney

REGISTRATION NO. 59748097

☐

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Superseding Misdemeanor Information

☐ was found guilty on count(s) _____

after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
8 USC 1325	IMPROPER ENTRY BY AN ALIEN	1

The defendant is sentenced as provided in pages 2 through 2 of this judgment.

☐ The defendant has been found not guilty on count(s) _____

☒ Count(s) 1 of the Information _____ is ☒ are ☐ dismissed on the motion of the United States.

☒ Assessment: \$10 - waived

☒ Fine waived ☐ Forfeiture pursuant to order filed _____, included herein.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

JULY 17, 2012

Date of Imposition of Sentence

[Signature]
HON. WILLIAM V. GALLO

UNITED STATES MAGISTRATE JUDGE

12CR2552-WVG

DEFENDANT: RUFINO PERALTA-SANCHEZ (1)

CASE NUMBER: **12CR2552-WVG****IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of Time Served

- ☐ Sentence imposed pursuant to Title 8 USC Section 1326(b).
- ☐ The court makes the following recommendations to the Bureau of Prisons:

- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____ .
as notified by the United States Marshal.

- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☐ _____
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____ , with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

12CR2552-WVG

EXHIBIT G

U.S. Department of Homeland Security

Notice and Order of Expedited Removal

DETERMINATION OF INADMISSIBILITY

Event Number File No: A092 688 996Date: July 18, 2012In the Matter of: RUFINO PERALTA-SANCHEZ

Pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act), (8 U.S.C. 1225(b)(1)), the Department of Homeland Security has determined that you are inadmissible to the United States under section(s) 212(a) ☐ (6)(C)(i); ☐ (6)(C)(ii); ☒ (7)(A)(i)(I); ☐ (7)(A)(i)(II); ☐ (7)(B)(i)(I); and/or ☐ (7)(B)(i)(II) of the Act, as amended, and therefore are subject to removal, in that:

- 1) You are not a citizen or national of the United States;
- 2) You are a native of Mexico and a citizen of Mexico;
- 3) You attempted to enter the United States without inspection at or near Calexico, CA on or about May 25, 2012;
- 4) You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.

... (CONTINUED ON I-831)

RANDY CALLAHAN
Deportation Officer

Name and title of immigration officer (Print)

Randy Callahan
Signature of immigration officer

ORDER OF REMOVAL
UNDER SECTION 235(b)(1) OF THE ACT

Based upon the determination set forth above and evidence presented during inspection or examination pursuant to section 235 of the Act, and by the authority contained in section 235(b)(1) of the Act, you are found to be inadmissible as charged and ordered removed from the United States.

JULIO HERNANDEZ
SUPERVISORY DEPORTATION OFFICER

Name and title of immigration officer (Print)

[Signature]
Signature of immigration officer

JOSEPH T. GREENE
ASST. FIELD OFFICE DIRECTOR

Name and title of supervisor (Print)

[Signature]
Signature of supervisor, if available

☐ Check here if supervisory concurrence was obtained by telephone or other means (no supervisor on duty).

CERTIFICATE OF SERVICE

I personally served the original of this notice upon the above-named person on 7/18/12

(Date)

Randy Callahan
Signature of immigration officer

U.S. Department of Homeland Security

Continuation Page for Form I-860

Alien's Name

File Number

Date

RUFINO PERALTA-SANCHEZ

A092 688 996

July 18, 2012

Event No: [REDACTED]

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

=====

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature



RANDY CALLAHAN

Title

Deportation Officer

2 of 2 Pages

FINS: 903188577

U.S. Department of Homeland Security

Notice to Alien Ordered Removed/Departure Verification

Event No: [REDACTED]
File No: 092688996

Date: 07/18/2012

Alien's full name: Rufino PERALTA-SANCHEZ

You have been found to be inadmissible to the United States under the provisions of section 212(a) of the Immigration and Nationality Act (Act) or deportable under the provisions of section 237 of the Act as a Visa Waiver Pilot Program violator. In accordance with the provisions of section 212(a)(9) of the Act, you are prohibited from entering, attempting to enter, or being in the United States

- ☒ for a period of 5 years from the date of your departure from the United States as a consequence of your having been found inadmissible as an arriving alien in proceedings under section 235(b)(1) or 240 of the Act.
- ☐ for a period of 10 years from the date of your departure from the United States as a consequence of your having been ordered removed in proceedings under any section of the Act other than section 235(b)(1) or 240, or of your having been ordered excluded under section 236 of the Act in proceedings commenced prior to April 1, 1997.
- ☐ for a period of 20 years from the date of your departure from the United States as a consequence of your having been found inadmissible and of your having been previously excluded, deported, or removed from the United States.
- ☐ at any time because in addition to having been found inadmissible, you have been convicted of a crime designated as an aggravated felony.

After your deportation or removal has been effected, if you desire to reenter the United States within the period during which you are barred, you must request and obtain permission from the Secretary of Homeland Security to reapply for admission to the United States. You must obtain such permission before commencing your travel to the United States. Application forms for requesting such permission may be obtained by contacting any United States Consulate or office of the United States Department of Homeland Security.

WARNING: Title 8 United States Code, Section 1326 provides that it is a crime for an alien who has been removed from the United States to enter, attempt to enter, or be found in the United States without the Secretary of Homeland Security's express consent. Any alien who violates this section of law is subject to prosecution for a felony. Depending on the circumstances of the removal, conviction could result in a sentence of imprisonment for a period of from 2 to 20 years and/or a fine of up to \$250,000.

CALLAHAN, Randy

(Signature of officer serving warning)

Deportation Officer

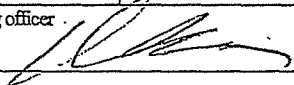
(Title of officer)

DHS/FCE

(Location of DHS office)

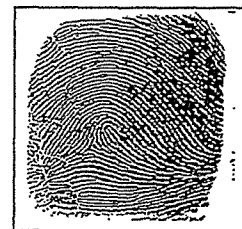
Verification of Removal

(Complete this section for file copy only)

Departure date 07/18/2012	Port of departure SFK POE	Manner of departure AFoot
Signature of verifying officer 		Title of Officer IEA



Photograph of alien removed



Right index fingerprint

Rufino P Sanchez
(Signature of alien whose fingerprint and photograph appear above)

Randy Callahan
(Signature of official taking fingerprint)